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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,209	12/21/2000	Jayson Newlin	1999-0543	8116

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2697

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DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,209

Applicant(s)

NEWLIN, JAYSON

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>07,08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" on page 6, has been used to designate both subscriber and standard landline telephone. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 and 13-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwok et al. (U.S. Patent No. 6,167,123).

Regarding claims 1 and 15, Kwok teaches receiving an incoming telephone call having a first character for a called party to the network (abstract; fig.1; col.3, lines 18-46, col.4, lines 41-51; 'called party' reads on the claim 'subscriber').

Kwok further teaches determining whether the incoming telephone call has one of the first character and a second character in order to classify the incoming telephone call (abstract; fig.1; col.3, lines 5-9, 18-46, col.4, lines 41-51).

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Kwok further teaches routing the incoming telephone call to a location depending upon its classification as a telephone call of the first or second character (abstract; fig.1; col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 2 and 16, Kwok teaches reading an identification number associated with the called party to determine whether the called party has activated a feature associated with the incoming call indicative of the first or second character (col.3, lines 1-46, col.4, lines 41-51; 'called party' reads on the claim 'subscriber').

Regarding claims 3 and 17, Kwok teaches detecting at least one tone associated with the incoming telephone call wherein the first or second character can be determined from the tone (col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 4, 11 and 18, Kwok teaches that the second character indicates that the incoming call comprises a facsimile transmission (abstract; col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 5 and 19, Kwok teaches that the first character indicates that the incoming call comprises a voice call (abstract; col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 6, 10 and 20, Kwok teaches notifying the called party that a facsimile transmission has been received by the network (col.3, lines 27-46, col.4, lines 41-51; 'called party' reads on the claim 'subscriber').

Regarding claims 7 and 21, Kwok teaches sending the facsimile transmission to a voice mail location for the called party (col.4, lines 26-40; 'called party' reads on the claim 'subscriber').

Regarding claims 8 and 22, Kwok teaches sending an E-mail to the called party to tell the called party that a facsimile transmission has been received and forwarded to

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voice mail (col.4, lines 9-40; 'sending an E-mail' reads on the claim 'sending a web page' and 'called party' reads on the claim 'subscriber').

Regarding claim 9, Kwok teaches receiving an incoming telephone call to the network that is intended for a called party to the network (abstract; fig.1; col.3, lines 18-32; 'called party' reads on the claim 'subscriber').

Kwok further teaches classifying the incoming call as one of a voice call and another type of call (abstract; fig.1; col.3, lines 5-9, 18-32).

Kwok further teaches routing the incoming call to the called party to the network if the incoming call is classified as a voice call (abstract; fig.1; col.3, lines 1-32; 'called party' reads on the claim 'subscriber').

Kwok further teaches routing the incoming call to another location if the incoming call is classified as another type of call (abstract; fig.1; col.3, lines 1-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) and in view of Brockman et al. (U.S. Patent No. 6,546,085).

Regarding claim 12, Kwok fails to teach "storing the facsimile call in a voice mail location associated with the subscriber of the network". Brockman teaches storing the

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facsimile call in a voice mail location associated with the subscriber of the network (fig. 1; col. 2, lines 16-29; 'called party' reads on the claim 'subscriber'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwok to allow storing the facsimile call in a voice mail location associated with the subscriber of the network as taught by Brockman. The motivation for the modification is to have doing so in order to retrieve the facsimile information for later use.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703) 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. E.
MD SHAFIUL ALAM ELAHEE
September 25, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

